

SEPTEMBER 22, 2005

City Council Minutes

The Round Rock City Council met in Regular Session on Thursday, September 22, 2005, in the City Council Chamber, 221 E. Main Street.

CALL WORK SESSION TO ORDER - Mayor Pro-tem McGraw chaired the meeting in the absence of Mayor Maxwell. He called the meeting to order at 6:00 p.m.

ROLL CALL: Those members present were Mayor Pro-tem Alan McGraw, Councilmember Rufus Honeycutt, Councilmember Joe Clifford, and Councilmember Scott Rhode. Mayor Maxwell arrived during item 3.A.1. Councilmember Carlos T. Salinas was absent. Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

PRESENTATIONS:

3.A.1. Consider a presentation concerning Future Water Supply Alternative for the City of Round Rock. Tom Clark, Director of Utilities made the staff presentation. In March 2005, Council approved a Contract for HDR Engineering to review scenarios and cost options to determine the most cost effective option to access future water supplies. The report reviewed partnering with the Cities of Austin or Cedar Park for regional water treatment, additional water supplies from the Brazos River Authority and acquiring groundwater from three private groundwater suppliers. In March 2005, Council approved a Contract with HDR Engineering to review scenarios and cost options to determine the most cost effective option to access future water supplies. Mr. Ken Haney, P.E. of HDR Engineering presented the report to Council. The report is in final draft form and will be presented to Council for review and input.

3.B.1. Consider a presentation regarding the skate park component of the Greater Lake Creek Park Improvement Project. Rick Atkins, Parks and Recreation Director made the staff presentation. The Greater Lake Creek Park Project involves three existing park properties and several parcels of land that the City already has or will acquire through the platting process of new neighborhoods. Clay Madsen Park, Greenlawn Park, and Lake Creek Park will all receive improvements in the form of new development and/or renovations. These three parks will also be connected with a hike & bike trail. Also included in this project will be the City's first skate park, dog park, and inline hockey facility. This project is partially funded by a Texas Parks and Wildlife Department (TPWD) Grant, and a Grant from the Lower Colorado River Authority (LCRA). The planned skate park is one of the major components of the Greater Lake Creek Park Improvement Project. In addition to a focus group that was formed to specifically address end-user concerns, the Parks and Recreation department has received several petitions and numerous requests over the past three years for a skate park.

James Hemenes, Park Development Manager gave a brief overview of the skate park demo and the public input that the Parks and Recreation Department has received. The

SEPTEMBER 22, 2005

Parks and Recreation Department formed a focus group to discuss skate park issues, which met a total of six times. The Department also hosted a "Skatewave Demo" at the Dell Diamond, that included a modular equipment demo and a forum. Mr. Hemenes added that there was an ongoing debate between building a modular skate park, as opposed to a concrete skate park include the following: cost vs. value; "skatability"; durability, and ease of repair. The Park and Recreation Department's current thinking is that having a concrete skate park is the overwhelming preference from citizens, and that the size is not as important as the materials.

CALL REGULAR SESSION TO ORDER – 7:00 P.M.

PLEDGE OF ALLEGIANCE: Mayor Maxwell led the Pledge of Allegiance.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Rufus Honeycutt, Councilmember Joe Clifford, Councilmember Carlos T. Salinas, and Councilmember Scott Rhode. Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

Mayor Maxwell dispensed with the order of the agenda with the unanimous consent of all the Councilmembers present, and addressed the following item.

9.A. Consider special presentation to former Councilmember Gary Coe in appreciation for his service to the City of Round Rock.

Mayor Maxwell presented a plaque of appreciation to Gary Coe for the service he gave to the City as Councilmember.

Mayor Maxwell and Mayor Pro-tem McGraw presented a farewell gift from the Council, staff, and members of the community to Councilmember Coe. Mrs. Coe was also presented with a gift of appreciation for her support of Councilmember Coe while he was on the Council.

Councilmember Coe thanked the Council and everyone who gave him the opportunity to serve as one of the City's Councilmembers.

CITIZENS COMMUNICATIONS:

Mark Selby, Round Rock Fire Inspector provided an update on Hurricane Rita. He briefed the Council regarding the City's role in assisting with hurricane evacuees from the gulf coast.

Lieutenant Richard Johnson, of the Police Department, provided update on traffic control and concerns regarding gasoline supplies in the community. He added that all Round Rock schools will be full with evacuees by Friday morning.

Brian Williams, Police Chief provided update on the shelter security and the City's Emergency Operations Center plan. All police personnel are on standby.

SEPTEMBER 22, 2005

John Garrett, 1408 Pear Court, Pflugerville, Founder and Publisher of The Community Impact newspaper. Provided update regarding the Community Impact newspaper he provides to 42,000 citizens in Round Rock.

The following individuals spoke in favor of the proposed development of a skate park in Round Rock. Specifically, in support of the concrete skate park and ways for the City to increase the budget for the project.

- James Juneau, 1800 Prarie Star
- Seth Johnson, 4908 Duval Road, Austin
- Pam Sparks, 1005-B Westwood Drive
- Jeannine Lowrance, 8006 Herb's Cave Cove
- Tom Brown, 9001 Bunker Hill Drive
- Jim Genty, 16507 Denise Drive, Austin
- Darrell Lowrance, 8006 Herb's Cave Cove

PROCLAMATIONS:

8.A. Consider proclaiming September 24, 2005 as Public Safety and Round Rock Noon Kiwanis Day. Mayor Maxwell read the following proclamation and presented it to Christine Warren with the Round Rock Noon Kiwanis.

WHEREAS, Public Safety Awareness Day began around 1986 as a way to increase public awareness of the many and diverse roles of the Round Rock Fire Department, Police Department, and Emergency Medical Services (EMS); and

WHEREAS, as our City has grown throughout the years, these public services have increased their presence in the community; and

WHEREAS, the Round Rock Fire Department, Police Department, and EMS have routinely provided the City with necessary services in an efficient, professional and courteous manner, and actively promotes and encourages the goals of providing an attractive, safe and economically sound environment for its businesses and citizens; and

WHEREAS, the Round Rock Noon Kiwanis is a non-profit civic organization that was founded in 1952 and have dedicated themselves to improving and enhancing the lives of young children in the City of Round Rock; and

WHEREAS, since 1991 the Noon Kiwanis has held an Annual Pancake Breakfast Fundraiser for all citizens to enjoy and then donating the proceeds of the fundraiser to the Texas Baptist Children's Home, Williamson County & Cities Health Department, scholarships to all high schools in the Round Rock area, the YMCA, and many others; and

WHEREAS, these two events were brought together several years ago on the front lawn of the Texas Baptist Children's Home to bring greater awareness to our community of the many service opportunities available in Round Rock and the many roles that our public service departments fulfill.

NOW, THEREFORE, I, NYLE MAXWELL, MAYOR of the City of Round Rock, Texas, do hereby proclaim September 24, 2005, as

"PUBLIC SAFETY AND ROUND ROCK NOON KIWANIS DAY"

in the City of Round Rock, Texas and urge all citizens to partake in all of the activities of the day and to practice Public Safety Awareness at all times.

PROCLAIMED this 22nd day of September 2005.

PRESENTATIONS:

9.A. Consider special presentation to former Councilmember Gary Coe in appreciation for his service to the City of Round Rock. This item was addressed earlier in the meeting.

9.B. Consider a presentation from the Economic Development Program Oversight Committee regarding their semi-annual report on Economic Development within the City. Scott Martinez, Economic Development Director for the Round Rock Chamber of Commerce made the presentation. The existing industry program made 74 visits to 67 local companies: 53 primary employers, 7 service employers, and 7 retail employers. Existing industry expansions/enhancements include Streamline Technical Services, Toppan

SEPTEMBER 22, 2005

Photomasks, Sears TeleServe, Photonics, Capitol Bearing Service, Centex Machining and Texas Guaranteed Student Loan. The Chamber's Marketing Program has also conducted marketing trips to New York (2), Detroit, San Jose, Birmingham, Atlanta, Dallas, and Las Vegas over the past year. Their website was also re-launched, and now averages over 170 unique visits per day (www.roundrocktex.com). The Chamber placed advertising in four different business magazines and three websites, and hosted two nationally known site selection consultants in Round Rock. The first Allies' Day networking event was hosted for economic development allies such as real estate professionals, developers, and utility company representatives. To date the Chamber has responded to approximately 100 requests for information from prospective companies (leads). New businesses coming to Round Rock include Citiraya, Perseus Labs, Xtreme Semiconductor, Ferguson Enterprises, Hancock Industries, Convergys, Philips Semiconductor and IKEA. The Chamber's research program has fulfilled over 80 demographic requests and studies, participated in three ACCRA Cost of Living Indices, and Conducted Round Rock Area Wage and Fringe Benefit Survey and Created a Comprehensive Compilation of Community Data.

PUBLIC HEARINGS:

10.A.1. Consider public testimony concerning the proposed 2005-2006 Operating Budget for the City of Round Rock. Cindy Demers, Finance Director made the staff presentation for items 10A1 and 10A2 at this time. This is the second public hearing regarding the proposed FY 2005-2006 Operating Budget and proposed 2005 Property Tax Rate. The Operating Budget consists of the General Fund, General Debt Service Fund and the Water/Wastewater Utility Fund. The proposed operating budget provides improved levels of service for a growing community balanced at the effective tax rate for the general and debt service funds and competitive water and wastewater rates for the utility fund while adhering to the City's financial policies. The proposed tax rate of \$0.37105 is required to balance the FY2005-06 Operating Budget. This rate is \$0.00867 below the 2004 (FY 2004-2005) rate of \$0.37972. Under this proposal, taxes on the average homestead would decrease by \$2.68 compared with last year's taxes. Individual taxes may increase or decrease at a greater or lesser rate, depending on the change in taxable value of the individual property. The proposed utility budget is balanced with a planned 5% average rate increase. This increase is necessary due to increasing operating costs as well as continued investment in the utility's long-term reserve water and infrastructure needs.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

10.A.2. Consider public testimony concerning the proposed 2005 property tax rate for the City of Round Rock. Cindy Demers, Finance Director made the staff presentation for this item during the public hearing for the Operating Budget. The proposed tax rate follows:

SEPTEMBER 22, 2005

2005 (FY 2005-2006) Proposed Tax Rate (Effective) - \$0.37105
2005 (FY 2005-2006) Effective Tax Rate - \$0.37105
2004 (FY 2004-2005) Tax Rate - \$0.37972

Public hearings on the proposed tax rate were held on August 30, 2005 and September 8, 2005.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

10.A.3. Consider public testimony concerning proposed amendments to the Water and Wastewater rates. Cindy Demers, Finance Director made the staff presentation. Historically, the City has taken a utility rate management approach that avoids substantial rate increases in any given year. City staff will continue to make rate recommendations in consideration of this philosophy in addition to keeping our rates competitive within the area. In 2003 the City completed a comprehensive water and wastewater utility rate study conducted by the consulting firm of Black and Veatch. Results of this study indicated the need for a multi-year approach to utility rate adjustments. Every year, the City updates the rate model and makes rate recommendations considering the current environment. Increased operating costs and anticipated debt issuance associated with a \$200 million utility capital improvement program are the primary causes of the rate considerations. The proposed rate increase for January 2006 will affect both the water & wastewater components of the utility bill and estimated to increase the average residential bill by approximately 5% or \$3.24 per month.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

10.B.1. Consider public testimony regarding an application filed by L. Michael O'Neal, Park Valley Oaks, Ltd. to amend a portion of PUD No. 35 (Planned Unit Development), Lot 1, Block A, Park Valley Oaks Subdivision to add an ATM as a permissible use. Jim Stendebach, Planning Director made the staff presentation. PUD 35 was adopted in 1999. Approximately 41 acres of the PUD was rezoned to PF-3 (Public Facilities – High Intensity) in 2004 for the Round Rock Medical Center. On August 17, 2005, the Planning and Zoning Commission rendered a favorable recommendation to amend the PUD as proposed. PUD 35 is divided into two tracts: Tract One is south of Park Valley Drive and Tract Two is north of Park Valley Drive. The majority of Tract One was rezoned to PF-3 (Public Facilities – High Intensity) in 2004 and is currently used for the Round Rock Medical Center and a Walgreens store. Tract Two is comprised of roughly 30 acres, with three platted lots fronting Park Valley Drive. The remaining 22 acres north of these lots are unplatted and undeveloped. Of the three platted lots on Park Valley Drive, the westernmost lot is the only lot that is currently developed. It is the site of the Wyoming Springs Medical Center. Another medical office is currently under construction on the lot to the east of the medical center. This medical office site is where the

applicant would like to locate a drive-through ATM. Because the permitted uses on Tract Two are limited to residential and medical uses, the addition of an ATM will require an amendment to the PUD to permit this type of commercial/financial use. The proposed location of the ATM has been reviewed by the Development Review Committee and does not present any conflicts with the parking or circulation of the proposed medical office. In addition, the applicant has verified that any lighting associated with the ATM will not be visible from any nearby residences. While the use itself is a bit of a departure from the medical nature of this tract, the scale of the use is minimal to such a degree that it hardly detracts from the intent of the PUD or the overall nature of the development.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

10.B.2. Consider public testimony regarding an application filed by D.R. Horton Texas, Ltd. to adopt original zoning of District SF-2 (Single Family-Standard Lot) on 29.062 acres of land. (Settlers Overlook North) Jim Stendebach, Planning and Community Development Director made the staff presentation. The 29.062-acre tract is located north of the existing Estates at Settlers Park subdivision and east of Settlers Overlook subdivision. D.R. Horton has purchased this tract to complete the last phase of the Settlers Overlook subdivision. On August 17, 2005, the Planning and Zoning Commission approved a favorable recommendation for the zoning request to SF-2. The 29.062 acre tract is surrounded by standard lot single-family residential subdivisions to its south and west boundaries. On the eastern and northern boundaries are large tracts of ranchland. The proposed zoning for single-family residential lots is compatible with the surrounding areas and existing transportation infrastructure.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

10.C.1. Consider public testimony regarding designating a 20.94 acre tract of land as Reinvestment Zone No. 23 (IKEA) for commercial/industrial tax abatement. Jim Nuse, City Manager made the staff presentation. In connection with IKEA's recent announcement to open a retail store in Round Rock at the southeast corner of IH 35 and Chandler Road the City has negotiated terms for an Economic Development Program Agreement and Property Tax Abatement with the company. IKEA is the world's leading furniture and home furnishings retailer and will open a 252,000 square foot retail store that provides 300 jobs as well as a 250 seat restaurant. The Economic Development Program Agreement and the Tax Abatement Agreement provide financial incentive to the company to establish a store in our local market. The company provides quality jobs in that pay is competitive and full benefits including medical coverage are provided to employees working more than 20 hours per week. Additionally, the company is a destination retailer, bringing in customers from

SEPTEMBER 22, 2005

greater distances and providing needed diversity to our local sales tax base without over-burdening local government services. The Tax Abatement commences January 1 of the year immediately following the opening of the store and continues until the earlier of 7 years or upon IKEA's receipt of economic value in the aggregate of \$5,000,000 pursuant to the Abatement Agreement and the Economic Development Program Agreement.

Additionally, the City will waive certain fees associated with project development as itemized in the agreement. The Economic Development Program and Tax Abatement Agreements enable the company to establish a store in our local market.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

CONSENT AGENDA:

The following items were considered routine by the City Council and were enacted by one motion. The minutes of August 17-18, 2005 were removed from the regular agenda at the request of staff. Item 13C1 and 14B1 was removed from the consent agenda and addressed in its normal sequence of the regular agenda.

*12.A. Consider approval of the City Council minutes for August 17-18, 2005, August 19, 2005 and September 8, 2005. *Council Minutes for August 17-18, 2005 were withdrawn at the request of staff..*

*13.C.1. Consider an ordinance determining the public necessity for the acquisition of a fee simple interest in a 0.002 acre parcel of land, and a sidewalk/drainage easement interest in a 0.019 acre parcel of land for the Sam Bass Road Project, and if necessary, authorizing the City Attorney to initiate eminent domain proceedings. (Jack Brown Family II, LP) (First Reading) *This item was withdrawn from the agenda at the request of staff.*

*14.B.1. Consider a resolution authorizing the Mayor to execute a Contract for Engineering Services with Baker-Aicklen and Associates, Inc. for the Old Settlers Park Baseball Complex Improvements Project. *This item was removed from the consent agenda and addressed in the normal sequence of the agenda.*

*14.D.1. Consider a resolution authorizing the Mayor to execute a Standard Utility Agreement with the Texas Transportation Commission for the reconstruction of US 79 from just west of FM 1460 to Joe DiMaggio Boulevard.

*14.E.3. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 1 with Unique Press/Triad USA Marketing Group, Inc. for printing services for City stationery.

MOTION: Councilmember Honeycutt moved to approve all the remaining items on the consent agenda. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas
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SEPTEMBER 22, 2005

Councilmember Rhode
Mayor Maxwell
Nays: None
ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

*12.A. Consider approval of the City Council minutes for August 17-18, 2005, August 19, 2005 and September 8, 2005. Only the minutes of August 19, 2005 and September 8, 2005 were approved under the consent agenda.

ORDINANCES:

13.A.1. Consider an ordinance adopting the 2005-2006 Operating Budget for the City of Round Rock. (Second Reading) Cindy Demers, Finance Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF ROUND ROCK, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006, DIRECTING THE CITY SECRETARY TO FILE A TRUE COPY OF THE BUDGET WITH THE COUNTY CLERK OF WILLIAMSON COUNTY, TEXAS.

MOTION: Councilmember Rhode moved to adopt the ordinance. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Maxwell
Nays: None

ACTION: The motion carried unanimously.

13.A.2. Consider an ordinance adopting the 2005 property tax rate for the City of Round Rock. (Second Reading) Cindy Demers, Finance Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE LEVYING TAXES FOR THE MAINTENANCE AND OPERATION OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ROUND ROCK, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE YEAR 2005.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Maxwell
Nays: None

ACTION: The motion carried unanimously.

13.A.3. Consider an ordinance approving the 2005-2006 Hotel/Motel Occupancy Tax Budget. (Second Reading) Cindy Demers, Finance Director made the staff presentation. The Hotel/Motel Fund is used to collect for the levy and use of the hotel-motel bed tax. Proceeds from this tax are to be used toward the promotion of tourism and the convention

SEPTEMBER 22, 2005

and hotel industry in the City. The Hotel/Motel Budget includes operating expenditures associated with the Convention & Visitors Bureau, special event funding and debt service for Dell Diamond/United Heritage Convention Center Complex.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE HOTEL OCCUPANCY TAX BUDGET OF THE CITY OF ROUND ROCK, TEXAS FOR FISCAL YEAR 2005-2006.

MOTION: Mayor Pro-tem McGraw moved to adopt the ordinance. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas
	Nays:	Councilmember Rhode Mayor Maxwell

ACTION: The motion carried with 4 ayes and 2 nays.

13.A.4. Consider an ordinance amending Chapter 10, Sections 10.201 and 10.202 of the Round Rock Code of Ordinances regarding water and wastewater utility rates. (First Reading) Cindy Demers, Finance Director made the staff presentation. Historically, the City has taken a utility rate management approach that avoids substantial rate increases in any given year. We will continue to make rate recommendations in consideration of this philosophy in addition to keeping our rates competitive within the area. In 2003, the City completed a comprehensive water and wastewater utility rate study conducted by the consulting firm of Black and Veatch. Results of this study indicated the need for a multi-year approach to utility rate adjustments. Every year, the City updates the rate model and makes rate recommendations considering the current environment. Increased operating costs and anticipated debt issuance associated with a \$200 million utility capital improvement program are the primary causes of the rate considerations. The proposed rate increase for January 2006 will affect both the water & wastewater components of the utility bill and is estimated to increase the average residential bill by approximately 5% or \$3.24 per month.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, SECTIONS 10.201 AND 10.202, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AMENDING WATER AND WASTEWATER UTILITY RATES; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Rhode moved to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

13.B.1. Consider an ordinance amending Chapter 1, Section 1.1002.1 of the Round Rock Code of Ordinances regarding firefighter civil service classifications and number of

SEPTEMBER 22, 2005

positions. (First Reading) Teresa Bledsoe, Human Resources Director made the staff presentation. Chapter 143. Municipal Civil Service, Texas Local Government Code, Subchapter B. Classification and Appointment, 143.021. Classification; Examination Requirement requires in part that "The governing body by ordinance shall prescribe the number of positions in each classification." Due to the additional personnel added during the budget process, this ordinance will update the number of positions in each classification. The FY 2005-2006 Operating Budget approved additional firefighter positions to be added to existing staffing levels. This ordinance reclassifies the number of authorized sworn positions in the Round Rock Fire Department.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, CHAPTER 1, BY AMENDING SECTION 1.1002.1(3) DEALING WITH FIREFIGHTER CIVIL SERVICE CLASSIFICATIONS AND NUMBER OF POSITIONS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Motion failed due to a lack of a second.

*13.C.1. Consider an ordinance determining the public necessity for the acquisition of a fee simple interest in a 0.002 acre parcel of land, and a sidewalk/drainage easement interest in a 0.019 acre parcel of land for the Sam Bass Road Project, and if necessary, authorizing the City Attorney to initiate eminent domain proceedings. (Jack Brown Family II, LP) (First Reading) This item was withdrawn from the agenda at the request of staff.

13.C.2. Consider an ordinance amending Chapters 3, 8 and 11 of the Round Rock Code of Ordinances (1995 Edition) to provide requirements for the filing and expiration of development permits. (First Reading) Steve Sheets, City Attorney made the staff presentation. In 1999, the 76th Texas Legislature enacted H.B. 1704, which was codified as Chapter 245, Local Government Code, which states that the right to develop a project under existing regulations vests at the time the landowner files the first permit application. This year, the 79th Texas Legislature enacted S.B. 848, which specifically defines and determines what "filed" means as it relates to the City applications for land development permits. By amending Chapters 3, 8 and 11, the City will provide the process by which regulations vest when an application is filed and provide for the expiration of filed applications as permitted under the recently enacted legislation.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 3, 8 AND 11, SECTIONS 8.106, 8.201, 8.202, 8.206 AND ADDING SECTIONS 3.113, 8.114.1, 11.114 CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO PROVIDE REQUIREMENTS FOR THE FILING OF APPLICATIONS; TO PROVIDE FOR THE EXPIRATION OF APPLICATIONS FILED; TO ADD THE DEFINITION OF "SUBDIVISION DEVELOPMENT PERMIT;" TO ESTABLISH REQUIREMENTS FOR A SUBDIVISION DEVELOPMENT PERMIT; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Clifford moved to adopt the ordinance. Councilmember Rhode seconded the motion.

SEPTEMBER 22, 2005

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

MOTION: Councilmember Rhode moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

13.D.1. Consider an ordinance designating a 20.94 acre tract of land as Reinvestment Zone No. 23 (IKEA) for commercial/industrial tax abatement. (First Reading)
Jim Nuse made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING A 20.94 ACRE TRACT OF LAND, BEING ALL OF LOT 1, BLOCK A, "FINAL PLAT OF EAST CHANDLER RETAIL CENTER", A PROPOSED SUBDIVISION IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, AS REINVESTMENT ZONE NO. 23 (IKEA) FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT, CITY OF ROUND ROCK, TEXAS, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO.

MOTION: Councilmember Clifford moved to adopt the ordinance. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

MOTION: Councilmember Honeycutt moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

13.E.1. Consider an ordinance to amend a portion of PUD No. 35 (Planned Unit Development), Lot 1, Block A, Park Valley Oaks Subdivision to add an ATM as a permissible use. (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

ORDINANCE NO. _____

MOTION: Councilmember Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Honeycutt seconded the motion.

SEPTEMBER 22, 2005

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

13.E.3. Consider an ordinance to adopt original zoning of District SF-2 (Single Family-Standard Lot) on 29.062 acres of land. (Settlers Overlook North) (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO ZONE 29.062 ACRES OF LAND OUT OF THE WILLIS DONAHO SURVEY, ABSTRACT NO. 173, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, AS DISTRICT SF-2 (SINGLE FAMILY-STANDARD LOT).

MOTION: Councilmember Clifford moved to adopt the ordinance. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

MOTION: Mayor Pro-tem McGraw moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

13.E.4. Consider an ordinance rezoning 1.953 acres of land from District LI (Light Industrial) to District PUD No. 63 (Planned Unit Development). (Hoppe) (Amended for Second Reading) Jim Stendebach, Planning Director made the staff presentation. This property was annexed and originally zoned for industrial uses in 1981. On July 13, 2005, the Planning and Zoning Commission rendered a favorable recommendation to adopt the PUD with the condition that the language regarding the driveway access be revised. That language has been revised accordingly and approved by the Director of Transportation Services to limit the site to just one driveway. The applicant initially requested a zoning change from LI (Light Industrial) to C-1 (General Commercial) for this tract of land in order to construct a pharmacy. While staff was generally amenable to a pharmacy, there were

SEPTEMBER 22, 2005

some concerns over the appropriateness of other uses at this location that would be allowed in C-1 zoning. Staff therefore negotiated a PUD for this property that would limit the use to pharmacy only. In addition to the limitation on uses, the PUD requires underground utilities and screening for loading spaces. It also limits the site to one driveway near the western property line. The PUD received first reading only on August 11th, 2005. Following this the applicant reduced acreage in the PUD to 1.953 acres. Access to the business from FM 3406 is restricted to the west end of the lot, which is approximately 365 feet west of the Chisholm Trail intersection. In addition, a shared access is being provided to Chisholm Trail approximately 400 feet north of the intersection.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.305(2), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 1.953 ACRES OF LAND OUT OF THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT LI (LIGHT INDUSTRIAL) TO PLANNED UNIT DEVELOPMENT (PUD) NO. 63.

MOTION: Mayor Pro-tem McGraw moved to adopt the ordinance. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

RESOLUTIONS:

14.A.1. Consider a resolution authorizing the Mayor to execute an Economic Development Program Administration and Funding Agreement with the Round Rock Chamber of Commerce. Jim Nuse, City Manager made the staff presentation. This agreement is to formalize the roles of the Chamber of Commerce and the City of Round Rock. The agreement creates a committee to oversee the program and keep accountability. A solid economic development program will enhance the financial wealth of the community.

RESOLUTION NO. _____

WHEREAS, §380.001 Texas Local Government Code provides that a municipality may establish a program to promote local economic development and to stimulate business and commercial activity in the municipality; and

WHEREAS, §380.001 also provides that the municipality may administer such program by the use of municipal personnel and may contract with another entity for the administration of a program; and

WHEREAS, the City of Round Rock ("City") and the Round Rock Chamber of Commerce ("Chamber") wish to develop a program to promote economic development and to stimulate business and commercial activity in the City; and

WHEREAS, the City and the Chamber further wish to enter into an agreement for the joint administration and funding of said program, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Economic Development Program Administration and Funding Agreement with the Chamber, a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that

SEPTEMBER 22, 2005

such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 22nd day of September, 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

*14.B.1. Consider a resolution authorizing the Mayor to execute a Contract for Engineering Services with Baker-Aicklen and Associates, Inc. for the Old Settlers Park Baseball Complex Improvements Project. This item was removed from the consent agenda to be addressed at this time. Rick Atkins, Parks and Recreation Director made the staff presentation. The Project: Sports Capital of Texas Plan was developed last year to plan for the necessary upgrades to our existing sports complexes, at Old Settlers Park at Palm Valley (OSPV), to make them top notch recreational and tournament facilities. As part of the Project, Sports Capital of Texas Plan, drainage throughout the OSPV Baseball Complex will be improved to allow increased playability on the fields after rain. This project also provides increased parking and upgrades for Fields 1-4. The cost of the contract is \$64,350.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain engineering services for the Old Settlers Park Baseball Complex Improvements Project, and

WHEREAS, Baker-Aicklen & Associates, Inc. has submitted a Contract for Engineering Services to provide said services, and

WHEREAS, the City Council desires to enter into said contract with Baker-Aicklen & Associates, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Contract for Engineering Services with Baker-Aicklen & Associates, Inc. for the Old Settlers Park Baseball Complex Improvements Project, a copy of said contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 22nd day of September, 2005.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

SEPTEMBER 22, 2005

14.C.1. Consider a resolution approving the payment of a self-move request for A.T. Masonry as part of the US 79 Widening Project. Steve Sheets, City Attorney made the staff presentation. Relocation services, which follow the Uniform Act, are required to be provided on all state highway projects. This resolution is for the relocation of displaced landowner due to right-of-way acquisition for Highway 79 construction project. The cost of the payment is \$120,400.00.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock, is in the process of acquiring 1.051 acres of land from Aaron Thomison and Brenda Thomison through condemnation for the Highway 79 expansion project, and

WHEREAS, at the time of this purchase A.T. Masonry was a tenant legally upon the property to be purchased and the remaining property and was displaced because of this acquisition, and

WHEREAS, pursuant to the provisions of Section 24 of the Code of Federal Regulations (Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs, a/k/a the "Uniform Act") the City of Round Rock has agreed to reimburse A.T. Masonry for certain reasonable and necessary relocation expenses as a result of its displacement because of this acquisition, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor or his designated agent is hereby authorized to approve a negotiated self move request authorizing reimbursement of up to a maximum of \$120,400 for reasonable and necessary relocation and moving expenses associated with the moving of the personal property of A.T. Masonry located on property along Highway 79, a copy of which is attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED

That the agreed amount of relocation expenses shall be paid to A.T. Masonry upon its completion of the relocation and vacating of the premises described herein.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 22nd day of September, 2005.

MOTION: Councilmember Rhode moved to table the resolution. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

*14.D.1. Consider a resolution authorizing the Mayor to execute a Standard Utility Agreement with the Texas Transportation Commission for the reconstruction of US 79 from just west of FM 1460 to Joe DiMaggio Boulevard. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, Chapter 791 of the Texas Government Code, V.T.C.A., authorizes local governments and agencies of the state to enter into agreements with one another to perform governmental functions and services, and

WHEREAS, the City of Round Rock wishes to enter into a Standard Utility Agreement ("Agreement") with the State of Texas, acting by and through the Texas Transportation Commission regarding the reconstruction of US 79 from just west of FM 1460 to Joe DiMaggio Blvd., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

SEPTEMBER 22, 2005

That the Mayor is hereby authorized and directed to execute on behalf of the City said Agreement, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 22nd day of September, 2005.

14.E.1. Consider a resolution nominating a candidate for the Williamson County Appraisal District Board of Directors. David Kautz, Assistant City Manager made the staff presentation. The Williamson County Appraisal District (WCAD) is responsible for appraising property in the county at its market value for property taxation purposes. The 5-member board of directors sets policies for the WCAD and hires the chief appraiser. The board also approves the WCAD annual budget, which is funded by pro-rated assessments of the taxing entities in the county. The board appoints the Appraisal Review Board, a quasi-independent group that hears and rules on property tax protests. The board of directors is instrumental in developing and maintaining an appraisal district that is well managed and fair to both individual taxpayers and the entities that depend upon property tax revenue to fund local government operations. Staff recommended that Robert Tagge be nominated for the Williamson County Appraisal District Board of Directors.

RESOLUTION NO. _____

WHEREAS, Section 6.03(f) of the Property Tax Code provides for the governing body of each taxing unit to nominate individuals for each position to be filled on the Williamson County Appraisal District Board of Directors, and

WHEREAS, the Council of the City of Round Rock wishes to nominate the following individuals:

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City Council of Round Rock hereby nominates the individuals stated above for the Williamson County Appraisal District Board of Directors.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 22nd day of September, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

14.E.2. Consider a resolution authorizing the Mayor to execute a Financing Program Agreement with Bank of America to lease/purchase various equipment. Cindy Demers, Finance Director made the staff presentation. With a three-year payback, the impact on any one operating budget is minimized. Additionally, the tax-exempt lease rates offer a

SEPTEMBER 22, 2005

very favorable cost of capital to the City. This program permits scheduled replacement of worn equipment on a revolving basis. Each year the City acquires a portion of its heavy equipment and rolling stock through a tax-exempt leasing program. The financing program for the current year totals \$600,000, financed at an effective interest rate of 3.36%, has a three-year amortization and outlined in the operating budget. The first year repayment is included in the proposed operating budget. The cost of interest would be at 3.36%, with a total interest of \$35,769.71.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock, Texas ("Lessee") proposes to enter into a Master Equipment Lease/Purchase Agreement with Bank of America Leasing & Capital, LLC, as lessor ("Lessor") and Lessee, as lessee (the "Master Lease") and proposes to enter into Schedule A No. 1 thereunder to enable Lessee to finance the lease/purchase acquisition of up to \$600,000 principal amount of Equipment (as defined in Schedule A No. 1 with the intent that the interest portion of the Rental Payments (as defined in the Master Lease) therefor, in an amount not to exceed 3.36% per annum, be excluded from gross income for federal income tax purposes and, as security for such Rental Payments, Lessee has agreed to pledge its ad valorem taxes, and to make payments, as set forth in Schedule A No. 1, sufficient to pay both the principal and interest portion of the Rental Payments under the Master Lease and Schedule A No. 1.

WHEREAS, the Master Lease and Schedule A No. 1 have been presented to this meeting, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

Section 1. The City Council agrees to enter into the Master Lease and Schedule A No. 1 pursuant to the Master Lease in order to finance acquisition of the Equipment in a principal amount of up to \$600,000 at an interest rate not to exceed 3.36% per annum and, in order to secure the Master Lease and Schedule A No. 1, to pledge its ad valorem taxes, in accordance with said Master Lease and Schedule A No. 1.

Section 2. That the Mayor is authorized to execute, acknowledge and deliver in the name and on behalf of Lessee to Lessor the Master Lease and Schedule A No. 1 to the Master Lease including all attachments, financing statements and schedules thereto, such Master Lease and Schedule A No. 1 to be in substantially the form presented to this meeting with such changes as the signing officer shall determine to be advisable. Further, said Mayor is authorized to execute, acknowledge and deliver in the name and on behalf of the Lessee any other agreement, instrument, certificate, representation and document, and to take any other action as may be advisable, convenient or necessary to enter into such Master Lease and Schedule A No. 1; the execution thereof by the Mayor shall be conclusive as to such determination.

Section 3. That there is hereby authorized the continuing execution and delivery by the Mayor in the name of and on behalf of Lessee the Schedule A No. 1 and Attachments in substantially the form presented to this meeting with such changes as the Mayor shall determine advisable, and the execution thereof shall be conclusive as to such determination.

Section 4. The Lease of the Equipment which is described in or incorporated by reference in the Schedule A No. 1 to the Agreement is hereby approved by the City Council. The City Manager shall be authorized to make replacements or otherwise substitute other similar equipment for any of the items so described or incorporated if necessary due to inability of the Vendor to deliver an item of equipment, so long as such substitution of any item of equipment does not frustrate the purpose of the Lessee for which the Equipment is being leased or result in an increase in the amount required to be paid by Lessee for the Equipment, as provided in Section 1 hereof.

Section 5. That this Resolution shall take effect immediately.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 22nd day of September, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember

Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford

SEPTEMBER 22, 2005

Councilmember Salinas
Councilmember Rhode
Mayor Maxwell
None

Nays:

ACTION: The motion carried unanimously.

*14.E.3. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 1 with Unique Press/Triad USA Marketing Group, Inc. for printing services for City stationery. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into an Annual Purchasing Agreement for Printing Service for City Stationery ("Agreement") with Unique Press/Triad USA Marketing Group, Inc., and

WHEREAS, Unique Press/Triad USA Marketing Group, Inc. has submitted Supplemental Agreement No. 1 to the Agreement to renew the contract term, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 1 with Unique Press/Triad USA Marketing Group, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS, That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 1 to the Agreement for Purchase of Printing Service for City Envelopes and Business Cards with Unique Press/Triad USA Marketing Group, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 22nd day of September, 2005.

14.F.1. Consider a resolution authorizing the Mayor to execute an Agreement with Williamson County Municipal Utility District No. 9 and RG Tate & Associates, Inc. for the purchase of three additional living unit equivalents of water and wastewater service. Tom Clark, Utilities Director made the staff presentation. The District purchased 1,400 LUE's of water and wastewater service from the City pursuant to that certain Water and Wastewater Agreement dated January 22, 1987. The District will pay the City Impact Fees of \$16,806 (per City's W/WW Impact Fee of \$5,602/LUE) for the LUE's. Municipal Utility District No. 9 purchased 1,400 LUE's of water and wastewater service from the City in 1987. A Developer is seeking to develop certain property within the District that currently retains two LUE's at this time. However, because of the proposed development, the tract will require 5 LUE's of water and wastewater service. Of the original 1400 LUE's, the District has determined that it has no additional LUE's to sell or convey. The Developer desires to obtain water and wastewater service for the Property from the District, but the District will need to obtain the three additional LUE's from the City. The City has determined that sufficient water and wastewater capacity exists within the City's system to provide the three additional LUE's of service to the District's system.

RESOLUTION NO. _____

WHEREAS, RG Tate & Associates, Inc. ("Developer") desires to develop certain property within Williamson County Municipal Utility District No. 9 ("District"), and

WHEREAS, the Developer desires to obtain water and wastewater service from the District for the proposed development, and

WHEREAS, the District will require additional water and wastewater living unit equivalents (LUEs) for the proposed development from the City of Round Rock, and

SEPTEMBER 22, 2005

Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

14.G.2. Consider a resolution authorizing the Mayor to execute an Agreement Regarding Extraterritorial Jurisdiction Boundary by and between the City of Round Rock, Texas and the City of Pflugerville, Texas. Jim Stendebach, Planning Director made the staff presentation. This agreement will exchange existing ETJ between Round Rock and Pflugerville. The subject areas have been agreed upon by staff of both cities and exclude any "disputed" ETJ, which is covered by a separate agreement.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock and the City of Pflugerville wish to establish extraterritorial jurisdiction ("ETJ") property boundaries between the two municipalities, and

WHEREAS, the City of Round Rock wishes to enter into an Agreement Regarding Extraterritorial Jurisdiction Boundary between the City of Round Rock, Texas and the City of Pflugerville, Texas to establish said ETJ boundaries, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City said Agreement, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 22nd day of September, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

14.G.3. Consider a resolution authorizing the Mayor to execute a Consent Agreement with Blake Magee Investments, L.P., for the creation of Paloma Lake Municipal Utility Districts 1 and 2. Jim Stendebach, Planning Director made the staff presentation. Blake McGee Investments, L.P. requested the City's consent to create two Municipality Utility Districts, Paloma Lake MUD #1 and #2 for approximately 732 acres of land. The land will be served with water and wastewater by the City of Round Rock. A portion of the tract is within the Jonah Water Supply District Service; however, the Jonah Board met on August 30th and released the tract from their area so it can be served by the City. He outlined the following main provisions of the consent agreement:

- 1) Developer will dedicate 100 feet of Right of Way, to realign CR 122, from CR 117 to CR 109. This includes a portion of off-site right of way to be acquired by the developer.
- 2) Developer will dedicate widening for CR 110 and CR 112.

SEPTEMBER 22, 2005

- 3) Developer will construct 2 lanes, with curb and gutter, of the realigned CR 122 from CR 117 to CR 109.
- 4) The land uses permitted in the proposed MUD are single family residential, an elementary school and open space.
- 5) The Concept plan approved by the Planning and Zoning Commission on August 17, 2005 is attached to the Consent Agreement.
- 6) The commercial sites on the concept plan will not be part of the MUD, but will be annexed into the city.
- 7) CRs 112, 110 and 112 will be annexed into the City and will not become part of the MUD.
- 8) Any trail system within the open space will be designed to reflect the City Master Trail Plan and will be open to the public.
- 9) The MUDs will maintain and operate street lights and sidewalks.
- 10) Developer will participate in the McNutt Creek Sewer interceptor project by paying for 25% of Line A to a maximum of \$3,000,000. Portions of this will be credited against the wastewater impact fee.
- 11) Developer will participate in wastewater Lines B-1 and B-2 by paying for its share of the cost. The City will pay the incremental cost to oversize these lines, subject to availability of oversize funds.
- 12) Developer will participate in wastewater Line C by paying for the cost of the lines required for it's development. The City will pay the incremental cost to oversize these lines, subject to availability of oversize funds.
- 13) Developer will have 1851 LUEs capacity reserved for his use.
- 14) Developer will pay his pro-rated share for 1851 LUEs of water capacity, estimate to be \$1,926,000 for off site water lines to be constructed. Portions of this will be credited against the wastewater impact fee.
- 15) The MUD will receive wholesale water and wastewater service from the city.
- 16) City and the MUD Board will negotiate a fire protection plan.
- 17) City consents to the creation of the MUDs.

RESOLUTION NO. _____

WHEREAS, Blake Magee Investments, L.P. ("Developer") is the owner of approximately 726.21 acres of land located within the extraterritorial jurisdiction of the City of Round Rock ("City"), and

WHEREAS, Developer intends to develop the land and has requested that the City consent to the creation of two Municipal Utility Districts to be named Paloma Lake Municipal Utility District No. 1 and Paloma Lake Municipal Utility District No. 2 ("MUDs 1 and 2") for said land, and

WHEREAS, the City wishes to enter into a Consent Agreement with the Developer regarding the creation of MUDs 1 and 2, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Consent Agreement with Blake Magee Investments, L.P., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 22nd day of September, 2005.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

14.G.4. Consider a resolution authorizing the Mayor to execute a Consent Agreement with Double J Investments, L.P. for the creation of Williamson County Municipal Utility Districts 19 and 20. Jim Stendebach, Planning Director made the staff presentation. Double J Investments, L.P. has requested city consent to create two Municipality Utility

SEPTEMBER 22, 2005

Districts for approximately 601 acres of land. The land will be served with wastewater by the City of Round Rock. The Developer will receive water service from the Jonah Special Utility District. He outlined the following main provisions of the consent agreement:

- 1) Developer will dedicate additional Right of Way, for the widening of CR 110 to 100 feet in width.
- 2) Developer will pay \$3,600.00 per acre for improvements to arterial roads to service the development.
- 3) The land uses permitted in the proposed MUD are single family residential, an elementary school and open space.
- 4) The Concept plan approved by the Planning and Zoning Commission on August 17, 2005 is attached to the Consent Agreement.
- 5) The commercial sites on the concept plan will not be part of the MUD, but will be annexed into the city.
- 6) The MUDs will maintain and operate street lights and sidewalks.
- 7) Developer will participate in the McNutt Creek Sewer interceptor project by paying for 25% of Line A to a maximum of \$3,000,000. Portions of this will be credited against the wastewater impact fee.
- 8) Developer will pay for in Lines D1 – D4. The City will pay the incremental cost to oversize these wastewater lines, subject to availability of oversize funds.
- 9) Developer will donate an easement for portions of wastewater Line B that will cross Developers property.
- 10) Developer will have 2333 LUEs capacity reserved for his use.
- 11) Developer will construct a 6 foot tall privacy fence along all lot lines abutting agricultural land.
- 12) City and the MUD Board will negotiate a fire protection plan.
- 13) City consents to the creation of the MUDs.

RESOLUTION NO. _____

WHEREAS, Double J Investments, L.P. ("Developer") is the owner of approximately 605.54 acres of land located within the extraterritorial jurisdiction of the City of Round Rock ("City"), and

WHEREAS, Developer intends to develop the land and has requested that the City consent to the creation of two Municipal Utility Districts to be named Williamson County Municipal Utility District No. 19 and Williamson County Municipal Utility District No. 20 ("MUDs 19 and 20") for said land, and

WHEREAS, the City wishes to enter into a Consent Agreement with the Developer regarding the creation of MUDs 19 and 20, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Consent Agreement with Double J Investments, L.P., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 22nd day of September, 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution.

Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

COUNCIL COMMENTS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:52 p.m.

Respectfully Submitted,

SEPTEMBER 22, 2005

Olivia Robinson, Executive Assistant